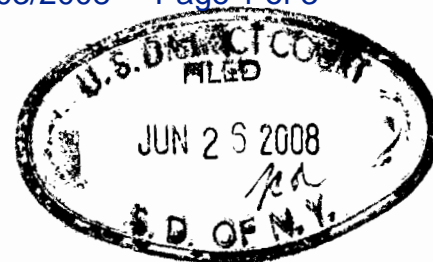


08CR327



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

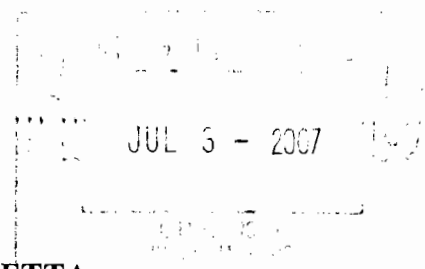
UNITED STATES OF AMERICA

vs.

JOHN J. FALCETTA,  
THOMAS R. POMBONYO, and  
GARY J. SANTONE,

Defendants.

08CR327 (VM)

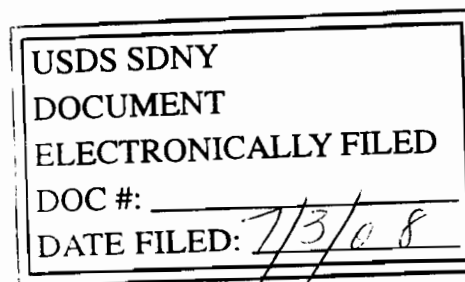


**MOTION OF DEFENDANT JOHN FALCETTA  
FOR LEAVE TO CHANGE RESIDENCE**

Now comes defendant John Falcetta who moves this Court for permission to alter the terms of his Pretrial Release in order to accommodate a move of himself and his family subject to equivalent conditions.

In support of his motion, defendant states as follows:

1. This action arises out of a Criminal Information filed in the Southern District of New York relating to allegations of financial impropriety. On June 4, 2008, defendant entered a Plea of guilty. Defendant was granted a set of conditions for Pre-Trial Release. These conditions included an ankle bracelet and detention at his residence at 2 Windy Way, #304, Nantucket, MA 02554. Since the entry of those conditions, defendant has satisfactorily performed all of the conditions of his release, including all scheduled appearances before this Court.



2. Since this case commenced, defendant John Falcetta has resided in Nantucket, MA. He resides there with his wife and three children, William R. Falcetta (5 months); Joseph W. Falcetta (1 ½ years) and John P. Falcetta (3 ½ years).

3. Since this action has commenced, defendant John Falcetta has been unable to maintain employment. The financial pressures of his current situation have made it necessary to seek alternate living arrangements for himself and his family.

4. The only reasonably affordable option for defendant Falcetta and his family for both the remainder of his Pre-Trial Detention and during any period of incarceration is to relocate his family to the vicinity of his wife's parents in Pennsylvania. Mr. Falcetta is required to leave his current residence in Nantucket on or before July 15, 2008 and has agreed to sell his interest in his Nantucket property in order to affect a move.

5. The family has obtained an alternate residence at 710 Christopher Drive, Wyomissing, PA. The family is scheduled to sell the Nantucket residence on or about July 15, 2008.

6. Upon the sale of the residence, Mr. Falcetta will be unable to remain at that location. It will be necessary for Mr. Falcetta to relocate with his family to the address in 710 Christopher Drive, Wyomissing, PA. No affordable alternate location on Nantucket is available, particularly during the summer months.

7. Due to the foregoing circumstances, Mr. Falcetta seeks leave of this Court to transfer his Pre-Trial Detention to 710 Christopher Drive, Wyomissing, Pennsylvania and transfer the administration of such detention to the Pre-Trial Detention Department of the Eastern District of Pennsylvania. This transfer is necessary in order to allow Pre-Trial Services


to continue monitoring Mr. Falcetta. In granting this Motion, Mr. Falcetta will be able to continue to reside with his family through the termination of the Pre-Trial phase of this case.

8. Defendant will take all steps necessary to ease the transition of his Pre-Trial Detention prescribed by the Court or by Pre-Trial Services.

WHEREFORE, defendant John Falcetta requests this Court enter an Order granting his motion to change his residence in directing Pre-Trial Services Department to transfer his residence for the purposes of Pre-Trial Detention to the address in Wyomissing, PA.

DEFENDANT  
JOHN J. FALCETTA

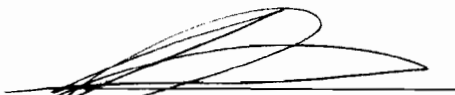
By his attorneys,

  
Steven J. Brooks, Esq.  
Robert D. Hillman, Esq.  
Deutsch Williams Brooks  
One Design Center Place  
Suite 600  
Boston, MA 02210  
617.951.2300

Dated: June 20, 2008

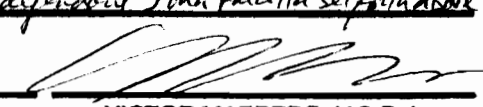
Certificate of Service

I, Steven J. Brooks, hereby certify that on June 20, 2008, I served the within Motion Of Defendant John Falcetta For Leave To Change Residence upon E. Danya Perry, Assistant United States Attorney, United States Attorneys Office, SDNY, One St. Andrew's Plaza, New York, New York, 10007 via first-class mail, postage prepaid.

  
Steven J. Brooks, Esq.

Dated: June 20, 2008

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The Government and the Probation Department are directed to respond by 7-9-08 to the request of defendant John Falcetta set forth above	
SO ORDERED:	
7-3-08	
DATE	VICTOR MARRERO, U.S.D.J.